

REMARKS/ARGUMENTS

In response to the Office Action mailed June 19, 2006, Applicants amend their application and request reconsideration. No claims are cancelled and new claim 20 is added so that claims 2-9 and 11-20 are now pending.

Claims 2-8, 11-13, and 19 are allowed.

The Examiner pointed out several informalities including a typographical error inadvertently introduced into claim 9 in the previous Amendment and a failure of agreement between certain language in claims 17 and 18 and claim 9 from which claims 17 and 18 depend. The latter inconsistencies have been present in these claims through several Office Actions without detection. All of these informalities are corrected in the foregoing Amendment. Claim 9 is also corrected by stating, as earlier intended, that the first X-ray absorber portions are narrower than the second X-ray absorber portions as shown in the embodiment of Figure 15, not as in the embodiment of Figure 14.

In this Amendment new claim 20 is added to describe, as is apparent from the patent application, that the first X-ray absorber is made of a different X-ray absorbing material from the second X-ray absorber. The use of different materials is described in the passage from page 16 line 19, through page 18, line 24. In addition, claim 14 described different materials for the two X-ray absorbers. Thus, new claim 20 is clearly supported by the patent application as filed.

Claim 9 was newly rejected as anticipated by Deguchi et al. (U.S. Patent 5,414,746, hereinafter Deguchi). This rejection is respectfully traversed.

In rejecting claim 9, the Examiner directed attention to Figure 22 of Deguchi. That figure illustrates an X-ray transparent membrane 1 on which an X-ray absorber 12 is disposed. The X-ray absorber 12 has an aperture 3 extending to the membrane and regions of different thicknesses, region 12C and region 12B. The X-ray absorber 12 is a single material, namely tantalum according to the description that appears in column 14 beginning in line 9 of Deguchi.

The Examiner divided the unitary X-ray absorbers 12A of Deguchi's Figure 22 horizontally, into first X-ray absorbers 12C in direct contact with the substrate and second X-ray absorbers 12B on the first X-ray absorbers 12C. Accepting the division for the

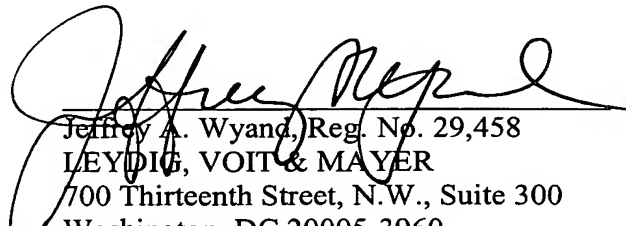
sake of argument, Deguchi cannot anticipate claim 9 because the relative widths of the first and second X-ray absorbers of claim 9 are the reverse of Deguchi's absorbers as shown in Figure 22 and other figures of Deguchi.

Claims 14-18 were rejected as obvious over Deguchi in view of various secondary references. It is apparent that these rejections for obviousness are all founded upon the assertion that Deguchi anticipates claim 9. Since there is no such anticipation of claim 9, the rejections of claims 14-18 fall with the withdrawal of the rejection of claim 9 as anticipated by Deguchi. Accordingly, further discussion of the obviousness rejections is neither necessary nor provided.

Further, Deguchi cannot anticipate or suggest the X-ray mask according to new claim 20. There is no description in Deguchi with regard to the forming of first and second X-ray absorbers of different X-ray absorbing materials, with the first and second X-ray absorbers having respective portions stacked on each other, relative to an X-ray transmitter.

Since the foregoing Amendment, places the application in form for allowance, reconsideration and allowance of all claims are earnestly solicited.

Respectfully submitted,


Jeffrey A. Wyand, Reg. No. 29,458
LEYDIG, VOIT & MAYER
700 Thirteenth Street, N.W., Suite 300
Washington, DC 20005-3960
(202) 737-6770 (telephone)
(202) 737-6776 (facsimile)

Date: August 8, 2006
JAW:ves